THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13559 of 2006

18-08-2006

Between:-

Mrs. Kuramdas Ramanamma

Petitioner

And

The Sub-Inspector of Police, S. Rayavaram Police Station, S. Rayavaram P.O., Visakhapatnam district and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13559 of 2006

Oral order:

The writ petition is filed complaining that the 1st respondent committed an illegality in failing to register F.I.R.No. 58 of 2006 on the file of the 1st respondent-Police Station against the 2nd respondent incorporating an offence under Section 376 of the Indian Penal Code (for short 'the IPC') and confining the charges only under Sections 417 and 420 of the IPC despite the complaint of the petitioner dated 24-06-2006 *prima facie* disclosing an offence under Section 376 IPC committed by the 2nd respondent on 10-06-2006.

The 1st respondent has filed a counter affidavit stating that he was away from the Police Station on

election duty on 24-06-2006, the date of the complaint by the petitioner and that during his absence, the Head Constable registered the complaint as crime No. 58 of 2006 only under Sections 417 and 420 of IPC on 25-06-006. On return from the election duty, the answering respondent verified the investigation in crime No. 58 of 2006 and discovered that the contents of the petitioner's complaint dated 24-06-2006 revealed allegation of an offence falling under Section 376 IPC. The counter states that necessary steps are being taken to add a charge under Section 376 IPC.

Today, a copy of an application filed by the 1st respondent before the court of learned Additional Judicial First Class Magistrate at Yellamanchili is placed before this court, wherein the 1st respondent applied for adding a charge under Section 376 IPC in crime No. 58 of 2006.

In the light of the above developments, no further action is necessary. The writ petition is accordingly dismissed as 'infructuous'. No costs.

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GODA RAGHURAM, J

Dated:18-08-2006
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